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May 4, 2023

Via: ECF

Honorable Jessica S. Allen, U.S.M.J.  
United States District Court  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

Re: *D'Ambly v. Exoo, et al.*,  
Civil Action No. 2:20-cv-12880-JMV-JSA

Your Honor,

As you know this office represents Plaintiff, Daniel D'Ambly (hereinafter "Plaintiff") in the above-referenced action. Currently pending in this matter with a return date of May 15, 2023, is Plaintiff's Motion for an Order to Show cause as to why One Peoples Project should not be held in contempt for failing to respond to Plaintiff's *Subpoena duces tecum*. Your Honor recently granted counsel for One Peoples Project's request for an extension in time until May 8, 2023, to file a response or opposition to the subpoena. (ECF No. 166).

Plaintiff submits this notice to inform the Court that default has been entered against the target of the subpoena, defendant Torch Antifa Network, because they failed to answer or otherwise respond to the Complaint. (ECF Nos. 132 and 133). Therefore, as a result of defendant Torch Antifa Network's default, in accordance with *Rule 8(b)(6) of the Federal Rules of Civil Procedure*, Plaintiff's allegations concerning liability are deemed admitted and the defendant, nor anyone else has standing to challenge the factual allegations within the Complaint, and is not permitted to introduce evidence to controvert those allegations.

Plaintiff further informs the Court that the pending Order to Show Cause was filed, because One Peoples Project's failed to comply with a *Subpoena duces tecum* for the production of documents, things, and electronically stored information that Plaintiff served on them on May 16, 2022, and May 22, 2022. Further, One Peoples Project never served a written objection to the subpoena as required by *Rule 45(d)(2)(B)*. One People's Project simply chose to ignore their obligations under the subpoena.

If Your Honor requires additional information from this office, please call (201) 777-3327.

Respectfully submitted,

May 4, 2023

/s/ Patrick Trainor

Patrick Trainor, Esq.

*Attorney for Plaintiff Daniel D'Ambly*

cc: All counsel of record via ECF